

Application No.: 09/733, 868

Docket No.: INQ-001RCE

**REMARKS**

Claims 1, 4, 10, 13-14, 17, 23, 26-27, 30, 36, 39 41, 43, and 45-46 have been amended. Claims 11-12, 24-25, and 37-38 and claims 28-29 were previously cancelled. No claims have been added. Thus, claims 1-10, 13-23, 26-27, 30-36 and 39-46 are presently pending with claims 1, 14, 27, 41, 43 and 45-46 being independent claims.

**Rejection of Claims Under 35 U.S.C. §102(e)**

Claims 1-5, 10-18, 23-27, 30-31 and 36-46 were rejected pursuant to 35 U.S.C. §102(e) as being anticipated by Lupo (United States Patent Number 6, 477, 642, hereafter "Lupo"). For the reasons set forth below, Applicants respectfully traverse these rejections.

**Summary of Claimed Invention**

The claimed invention provides a method for delivering, retrieving and displaying content to a user during the initial boot sequence of a computer or electronic device and/or after the completion of the initial boot sequence but prior to the loading of an operating system during a created time interval either after the completion of the BIOS POST (Basic Input Output System Power On Self Test) or prior to operating system loading for those electronic devices that load an operating system without performing a POST. The method enables the content to be updated automatically following the loading of the operating system or in response to a user request, depending upon the implementation of the invention. The updated content may originate from a remote or local location and is transferred to a persistent storage medium capable of being accessed prior to the loading of the operating system. The persistent storage medium is separate from the medium holding the BIOS. The method further enables the updating process to be conducted in a non-intrusive manner so as not to disturb other processes running on the computer system or electronic device. Additional embodiments of the present invention enable the display of content to a user to take place in an interactive format prior to operating system loading.

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Summary of Claim Amendments

Applicant has amended independent claims (claim 1, 14, 45 and 46) to indicate that the selected content is displayed during a portion of the POST and during a created time interval after the post but prior to commencement of operating system loading. Applicant has also amended the independent claims (claims 27, 41 and 43) to indicate that for those electronic devices not performing a POST, the loading of the operating system into memory is delayed to display the selected content. In light of the withdrawal of the indication of allowability of claims 4-10, 13, 17-23, 26, 30-36 and 39 by the Examiner, the Applicant has amended those claims that were converted into independent claims at the Examiner's suggestion in the last Response back into dependent claims.

Summary of Lupo

Lupo describes a method of extending BIOS control of a display screen beyond the beginning of the loading of the operating system. During a POST operation, the BIOS writes content to the display screen, redirects a video controller interrupt vector to a new handler and traps I/O accesses to the video controller. The video controller interrupt vector that is redirected is usually used by the operating system to control the display. As a result of the redirection, the BIOS may be used to write content to the display during the entirety of the operating system loading process. Once the operating system has finished loading, the original interrupt vector is restored and the operating system takes control of the display. Lupo does not disclose the creation of a time interval between the completion of a POST and the commencement of the loading of an operating system.

Argument

Lupo fails to disclose all of the claimed elements of amended independent claims 1, 14, 27, 41, 43, and 45. Independent claims 1, 14, 45 and 46 have been amended to indicate that the selected content is displayed during a portion of the POST and during a created time interval after the POST but prior to the commencement of the operating system loading. Lupo does not disclose this limitation. Rather, Lupo discusses a process whereby the BIOS seizes control of

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the display by redirecting the interrupt vector for the video controller usually used by the operating system and does not restore the interrupt vector to its original condition until the completion of the operating system loading process (See Lupo Abstract, Figure 10, Figure 12 and the related description at col. 14, lines 16-26 and col. 14, line 27-col. 15, line 16). Lupo is directed in other words towards allowing the BIOS to maintain control of the display during the operating system loading process. In contrast, Applicants claimed invention displays content during the POST and a created time interval prior to the commencement of the loading of the operating system (claims 1 and 45), or solely during the created time interval between the completion of the POST and the commencement of the loading of the operating system (claims 14 and 46). In both cases, Applicants claimed invention is displaying content during a created time interval that is not disclosed by Lupo. Accordingly, applicants respectfully request that the rejections directed to independent claims 1 ( and claims 2-5, and 10-13 which are dependent thereon), 14 ( and claims 15-18, and 23-26 which are dependent thereon), 45 and 46 be withdrawn and the claims allowed.

Similarly, Applicants have also amended independent claims (claims 27, 41 and 43) which are directed to electronic devices not performing a POST to indicate that the loading of the operating system into memory is delayed to display the selected content. Lupo does not disclose this additional limitation of the created time interval during which the content is displayed. Accordingly, Applicants request the allowance of claims 27, 30-31 and 36-44.

Rejection of Claims Under 35 U.S.C. §103(a)

Claims 6-9, 19-22 and 32 were rejected pursuant to 35 U.S.C. §103(a) as being unpatentable for obviousness based on Lupo. Claims 6-9, 19-22 and 32 are all dependent upon the independent claims discussed above which, for the reasons previously set forth, Applicants believe are now in condition for allowance. Accordingly, Applicants request the allowance of claims 6-9, 19-22 and 32 as Lupo failed to disclose all of the elements of the underlying independent claims.

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**Conclusion**

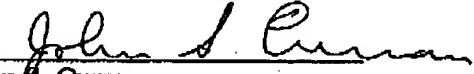
In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

Applicant believes a fee of \$385.00 is due with this Amendment for the Request for Continued Examination. Please charge our Deposit Account No. 12-0080, under Order No. INQ-001RCE from which the undersigned is authorized to draw for that fee and any other fees that may be due in this matter.

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Respectfully submitted,

By

  
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